

[Fourth Reprint]

## **SENATE, No. 1303**

# **STATE OF NEW JERSEY**

## **215th LEGISLATURE**

INTRODUCED JANUARY 30, 2012

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**District 27 (Essex and Morris)**

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**SYNOPSIS**

Revises penalties for animal cruelty, increasing degree of certain offenses; designated as Patrick's Law.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on February 21, 2013.

(Sponsorship Updated As Of: 6/21/2013)

1 AN ACT concerning animal cruelty and designated as "Patrick's  
 2 Law," <sup>3</sup>[and]<sup>3</sup> <sup>4</sup>and<sup>4</sup> amending <sup>2</sup>R.S.4:22-15,<sup>2</sup> R.S.4:22-17 <sup>2</sup>,<sup>2</sup>  
 3 and R.S.4:22-26 <sup>4</sup>[<sup>3</sup>, and supplementing chapter 22 of Title 4 of  
 4 the Revised Statutes<sup>3</sup>]<sup>4</sup>.

5  
 6 **BE IT ENACTED** by the Senate and General Assembly of the State  
 7 of New Jersey:

8  
 9 <sup>2</sup>1. R.S.4:22-15 is amended to read as follows:

10 4:22-15. As used in this article:

11 "Animal" or "creature" includes the whole brute creation.

12 <sup>4</sup>[<sup>3</sup>"Domestic companion animal" means any animal commonly  
 13 referred to as a pet or one that has been bought, bred, raised or  
 14 otherwise acquired, in accordance with local ordinances and State  
 15 and federal law, for the primary purpose of providing  
 16 companionship to the owner, rather than for business or agricultural  
 17 purposes.<sup>3</sup>]

18 "Bodily injury" means physical pain, illness or any impairment  
 19 of physical condition.<sup>4</sup>

20 "Necessary care" means care sufficient to preserve the health and  
 21 well-being of an animal, and includes, but is not limited to: food of  
 22 sufficient quantity and quality to allow for normal growth or  
 23 maintenance of body weight; adequate access to water in sufficient  
 24 quantity and quality to satisfy the animal's needs; access to  
 25 adequate protection from the weather; and veterinary care to  
 26 alleviate suffering and maintain health.

27 "Owner" or "person" includes a corporation, and the knowledge  
 28 and acts of an agent or employee of a corporation in regard to  
 29 animals transported, owned, employed, or in the custody of the  
 30 corporation shall be imputed to the corporation.<sup>2</sup>

31 <sup>4</sup>"Serious bodily injury" means bodily injury which creates a  
 32 substantial risk of death or which causes serious, permanent  
 33 disfigurement, or protracted loss or impairment of the function of  
 34 any bodily member or organ.<sup>4</sup>

35 (cf: R.S.4:22-15)

36  
 37 <sup>4</sup>[<sup>3</sup>2. (New section) The provisions of R.S.4:22-17 and R.S.4:22-  
 38 26 shall not apply to an animal which is domestic livestock subject  
 39 to the provisions of P.L.1995, c.311 (C.4:22-16.1) or the standards,  
 40 rules, or regulations developed and adopted pursuant thereto, except  
 41 if the animal is a domestic companion animal.<sup>3</sup>]<sup>4</sup>

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEG committee amendments adopted September 20, 2012.

<sup>2</sup>Senate floor amendments adopted October 4, 2012.

<sup>3</sup>Assembly AAN committee amendments adopted December 10, 2012.

<sup>4</sup>Assembly floor amendments adopted February 21, 2013.

1       <sup>2</sup>[1.] <sup>3</sup>[2.] <sup>4</sup>[3.] R.S.4:22-17 is amended to read as follows:

2       4:22-17. a. <sup>1</sup>[A person who shall] It shall be unlawful to<sup>1</sup> :

3       (1) Overdrive, overload, drive when overloaded, or overwork  
4       ~~[,]~~ <sup>1</sup>[deprive of necessary sustenance, abuse, or needlessly kill] a  
5       living animal or creature;

6       (2) Cause or procure, by any direct or indirect means, including  
7       but not limited to through the use of another living animal or  
8       creature, any such acts to be done; or

9       (3) Inflict unnecessary cruelty upon a living animal or creature,  
10      by any direct or indirect means, including but not limited to through  
11      the use of another living animal or creature; or <sup>2</sup>[unnecessarily fail  
12      to provide a living animal or creature of which the person has  
13      charge either as an owner or otherwise with proper food, drink,  
14      shelter or protection from the weather; or] <sup>2</sup>leave it unattended in a  
15      vehicle under inhumane conditions adverse to the health or welfare  
16      of the living animal or creature <sup>1</sup>[--] .<sup>1</sup>

17      <sup>1</sup>[Shall] b. (1) A person who violates subsection a. of this  
18      section shall<sup>1</sup> be guilty of a disorderly persons offense ~~[, and~~  
19      notwithstanding] . Notwithstanding the provisions of N.J.S.2C:43-  
20      3 to the contrary, for every [such] conviction of an offense  
21      pursuant to paragraph (1) or (2) of <sup>1</sup>[this]<sup>1</sup> subsection <sup>1</sup>a. of this  
22      section<sup>1</sup> , the person shall be fined not less than \$250 nor more than  
23      \$1,000, or be imprisoned for a term of not more than six months, or  
24      both, in the discretion of the court; and for every conviction of an  
25      offense pursuant to paragraph (3) of <sup>1</sup>[this]<sup>1</sup> subsection <sup>1</sup>a. of this  
26      section<sup>1</sup> , the person shall be fined not less than \$500 nor more than  
27      \$2,000, or be imprisoned for a term of not more than six months, or  
28      both, in the discretion of the court.

29      <sup>1</sup>(2)<sup>1</sup> If an animal <sup>2</sup>[is needlessly killed or]<sup>2</sup> dies as a result of a  
30      violation of <sup>1</sup>[this]<sup>1</sup> subsection <sup>1</sup>a. of this section<sup>1</sup> , <sup>1</sup>[or the person  
31      has a prior conviction for a violation of this subsection,]<sup>1</sup> the  
32      person <sup>2</sup>who violates <sup>3</sup>[the] that<sup>3</sup> subsection<sup>2</sup> shall be guilty of a  
33      crime of the fourth degree.

34      <sup>1</sup>(3) If the person <sup>2</sup>who violates subsection a. of this section<sup>2</sup> has  
35      a prior conviction for <sup>2</sup>an offense that would constitute<sup>2</sup> a violation  
36      of subsection a. of this section, the person shall be guilty of a crime  
37      of the fourth degree.

38      (4)<sup>1</sup> A <sup>1</sup>[violator of this subsection] person who violates <sup>3</sup>[<sup>2</sup>this  
39      subsection or<sup>2</sup>]<sup>3</sup> subsection a. <sup>2</sup>[or b.]<sup>2</sup> of this section<sup>1</sup> shall also be  
40      subject to the provisions of subsection <sup>1</sup>[c.] d.<sup>1</sup> and, if appropriate,  
41      subsection <sup>1</sup>[d.] e.<sup>1</sup> of this section.

42      <sup>1</sup>[b. A person who shall] c. It shall be unlawful to<sup>1</sup> purposely,  
43      knowingly, or recklessly:

1 (1) Torment, torture, maim, hang, poison, unnecessarily or  
 2 cruelly beat, **[or]** needlessly mutilate, deprive of necessary  
 3 <sup>2</sup>[sustenance] care<sup>2</sup>, or abuse a living animal or creature; <sup>2</sup>**[or]**<sup>2</sup>

4 (2) Cause or procure, by any direct or indirect means, including  
 5 but not limited to through the use of another living animal or  
 6 creature, any such acts to be done <sup>1</sup>**[--]** <sup>2</sup>**[.']**; or

7 (3) Needlessly kill a living animal or creature.<sup>2</sup>

8 <sup>1</sup>**[Shall]** A person who violates this subsection shall<sup>1</sup> be guilty  
 9 of a crime of the fourth degree.

10 If the animal or creature is cruelly killed <sup>3</sup>as a result of a  
 11 violation of this subsection,<sup>3</sup> or dies as a result of a violation of  
 12 <sup>3</sup>paragraph (1) or (2) of<sup>3</sup> this subsection, or <sup>2</sup>if<sup>2</sup> the person <sup>2</sup>who  
 13 violates this subsection<sup>2</sup> has a prior conviction for <sup>2</sup>an offense that  
 14 would constitute<sup>2</sup> a violation of this subsection, the person shall be  
 15 guilty of a crime of the third degree.

16 <sup>2</sup>**[<sup>1</sup>(3)<sup>1</sup>]**<sup>2</sup> A <sup>1</sup>**[violator of]** person who violates<sup>1</sup> this subsection  
 17 shall also be subject to the provisions of subsection <sup>1</sup>**[c.] d.<sup>1</sup>** and, if  
 18 appropriate, subsection <sup>1</sup>**[d.] e.<sup>1</sup>** of this section.

19 <sup>1</sup>**[c.] d.<sup>1</sup>** For a violation of subsection a. <sup>1</sup>**[or]** <sup>3</sup>**[.']** b. <sup>1</sup>**[.']**<sup>3</sup> or c. <sup>1</sup>  
 20 of this section, in addition to imposing any other appropriate  
 21 penalties established for a crime of the third degree, crime of the  
 22 fourth degree, or disorderly persons offense, as the case may be,  
 23 pursuant to Title 2C of the New Jersey Statutes, the court shall  
 24 impose a term of community service of up to 30 days, and may  
 25 direct that the term of community service be served in providing  
 26 assistance to the New Jersey Society for the Prevention of Cruelty  
 27 to Animals, a <sup>2</sup>**[district (county)]** county<sup>2</sup> society for the prevention  
 28 of cruelty to animals, or any other recognized organization  
 29 concerned with the prevention of cruelty to animals or the humane  
 30 treatment and care of animals, or to a municipality's animal control  
 31 or animal population control program. The court also **[may]** shall  
 32 require the violator to pay restitution, including but not limited to,  
 33 the monetary cost of replacing the animal if it died or had to be  
 34 euthanized because of the extent of its injuries, or otherwise  
 35 reimburse any costs for food, drink, shelter, or veterinary care or  
 36 treatment, or other costs, incurred by the owner of the animal, if the  
 37 owner is not the person committing the act of cruelty, or incurred  
 38 by any agency, entity, or organization investigating the violation,  
 39 including but not limited to the New Jersey Society for the  
 40 Prevention of Cruelty to Animals, a <sup>2</sup>**[district (county)]** county<sup>2</sup>  
 41 society for the prevention of cruelty to animals, any other  
 42 recognized organization concerned with the prevention of cruelty to  
 43 animals or the humane treatment and care of animals, **[or]** a local  
 44 or State governmental entity, or a kennel, shelter, pound, or other  
 45 facility providing for the shelter and care of the animal or animals  
 46 involved in the violation.

1       <sup>1</sup>**[d.] e.**<sup>1</sup> If a juvenile is adjudicated delinquent for an act which,  
2 if committed by an adult, would constitute a disorderly persons  
3 offense <sup>3</sup>**],** <sup>1</sup>or a crime of the fourth degree<sup>1</sup> pursuant to subsection  
4 a. <sup>2</sup>or b.<sup>2</sup> of this section or a crime of the third degree or <sup>3</sup>**].**<sup>3</sup> <sup>2</sup>crime  
5 of the fourth degree <sup>3</sup>, or crime of the third degree<sup>3</sup> pursuant to  
6 <sup>3</sup>**[subsection** <sup>1</sup>**[b.] c.**<sup>1</sup> of <sup>3</sup>**]**<sup>3</sup> this section, the court also shall order  
7 the juvenile to receive mental health counseling by a licensed  
8 psychologist or therapist named by the court for a period of time to  
9 be prescribed by the licensed psychologist or therapist.  
10 (cf: P.L.2005, c.105, s.1)**]**<sup>4</sup>

11

12       <sup>2</sup>**[2. R.S.4:22-26 is amended to read as follows:**

13       4:22-26. A person who shall:

14       a. (1) Overdrive, overload, drive when overloaded, or  
15 overwork **],** deprive of necessary sustenance, abuse, or needlessly  
16 kill**]** a living animal or creature, or cause or procure, by any direct  
17 or indirect means, including but not limited to through the use of  
18 another living animal or creature, any such acts to be done;

19       (2) Torment, torture, maim, hang, poison, unnecessarily or  
20 cruelly beat, or needlessly mutilate, deprive of necessary  
21 sustenance, or abuse a living animal or creature, or cause or  
22 procure, by any direct or indirect means, including but not limited  
23 to through the use of another living animal or creature, any such  
24 acts to be done;

25       (3) Cruelly kill, or cause or procure, by any direct or indirect  
26 means, including but not limited to through the use of another living  
27 animal or creature, the cruel killing of, a living animal or creature,  
28 or otherwise cause or procure, by any direct or indirect means,  
29 including but not limited to through the use of another living animal  
30 or creature, the death of a living animal or creature from  
31 commission of any act described in paragraph (2) of this subsection;

32       (4) Needlessly kill a living animal or creature, or cause or  
33 procure, by any direct or indirect means, including but not limited  
34 to through the use of another living animal or creature, the death of  
35 a living animal or creature as a result of the commission of any act  
36 described in paragraph (1) of this subsection or subsection c. of this  
37 section;

38       b. (Deleted by amendment, P.L.2003, c.232).

39       c. Inflict unnecessary cruelty upon a living animal or creature,  
40 by any direct or indirect means, including but not limited to through  
41 the use of another living animal or creature; or unnecessarily fail to  
42 provide a living animal or creature of which the person has charge  
43 either as an owner or otherwise with proper food, drink, shelter or  
44 protection from the weather; or leave it unattended in a vehicle  
45 under inhumane conditions adverse to the health or welfare of the  
46 living animal or creature;

- 1       d. Receive or offer for sale a horse that is suffering from abuse  
2 or neglect, or which by reason of disability, disease, abuse or  
3 lameness, or any other cause, could not be worked, ridden or  
4 otherwise used for show, exhibition or recreational purposes, or  
5 kept as a domestic pet without violating the provisions of this  
6 article;
- 7       e. Keep, use, be connected with or interested in the  
8 management of, or receive money or other consideration for the  
9 admission of a person to, a place kept or used for the purpose of  
10 fighting or baiting a living animal or creature;
- 11       f. Be present and witness, pay admission to, encourage, aid or  
12 assist in an activity enumerated in subsection e. of this section;
- 13       g. Permit or suffer a place owned or controlled by him to be  
14 used as provided in subsection e. of this section;
- 15       h. Carry, or cause to be carried, a living animal or creature in  
16 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 17       i. Use a dog or dogs for the purpose of drawing or helping to  
18 draw a vehicle for business purposes;
- 19       j. Impound or confine or cause to be impounded or confined in  
20 a pound or other place a living animal or creature, and shall fail to  
21 supply it during such confinement with a sufficient quantity of good  
22 and wholesome food and water;
- 23       k. Abandon a maimed, sick, infirm or disabled animal or  
24 creature to die in a public place;
- 25       l. Willfully sell, or offer to sell, use, expose, or cause or permit  
26 to be sold or offered for sale, used or exposed, a horse or other  
27 animal having the disease known as glanders or farcy, or other  
28 contagious or infectious disease dangerous to the health or life of  
29 human beings or animals, or who shall, when any such disease is  
30 beyond recovery, refuse, upon demand, to deprive the animal of  
31 life;
- 32       m. Own, operate, manage or conduct a roadside stand or market  
33 for the sale of merchandise along a public street or highway; or a  
34 shopping mall, or a part of the premises thereof; and keep a living  
35 animal or creature confined, or allowed to roam in an area whether  
36 or not the area is enclosed, on these premises as an exhibit; except  
37 that this subsection shall not be applicable to: a pet shop licensed  
38 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
39 keeps an animal, in a humane manner, for the purpose of the  
40 protection of the premises; or a recognized breeders' association, a  
41 4-H club, an educational agricultural program, an equestrian team, a  
42 humane society or other similar charitable or nonprofit organization  
43 conducting an exhibition, show or performance;
- 44       n. Keep or exhibit a wild animal at a roadside stand or market  
45 located along a public street or highway of this State; a gasoline  
46 station; or a shopping mall, or a part of the premises thereof;
- 47       o. Sell, offer for sale, barter or give away or display live baby  
48 chicks, ducklings or other fowl or rabbits, turtles or chameleons

- 1 which have been dyed or artificially colored or otherwise treated so  
2 as to impart to them an artificial color;
- 3 p. Use any animal, reptile, or fowl for the purpose of soliciting  
4 any alms, collections, contributions, subscriptions, donations, or  
5 payment of money except in connection with exhibitions, shows or  
6 performances conducted in a bona fide manner by recognized  
7 breeders' associations, 4-H clubs or other similar bona fide  
8 organizations;
- 9 q. Sell or offer for sale, barter, or give away living rabbits,  
10 turtles, baby chicks, ducklings or other fowl under two months of  
11 age, for use as household or domestic pets;
- 12 r. Sell, offer for sale, barter or give away living baby chicks,  
13 ducklings or other fowl, or rabbits, turtles or chameleons under two  
14 months of age for any purpose not prohibited by subsection q. of  
15 this section and who shall fail to provide proper facilities for the  
16 care of such animals;
- 17 s. Artificially mark sheep or cattle, or cause them to be  
18 marked, by cropping or cutting off both ears, cropping or cutting  
19 either ear more than one inch from the tip end thereof, or half  
20 cropping or cutting both ears or either ear more than one inch from  
21 the tip end thereof, or who shall have or keep in the person's  
22 possession sheep or cattle, which the person claims to own, marked  
23 contrary to this subsection unless they were bought in market or of  
24 a stranger;
- 25 t. Abandon a domesticated animal;
- 26 u. For amusement or gain, cause, allow, or permit the fighting  
27 or baiting of a living animal or creature;
- 28 v. Own, possess, keep, train, promote, purchase, or knowingly  
29 sell a living animal or creature for the purpose of fighting or baiting  
30 that animal or creature;
- 31 w. Gamble on the outcome of a fight involving a living animal  
32 or creature;
- 33 x. Knowingly sell or barter or offer for sale or barter, at  
34 wholesale or retail, the fur or hair of a domestic dog or cat or any  
35 product made in whole or in part from the fur or hair of a domestic  
36 dog or cat, unless such fur or hair for sale or barter is from a  
37 commercial grooming establishment or a veterinary office or clinic  
38 or is for use for scientific research;
- 39 y. Knowingly sell or barter or offer for sale or barter, at  
40 wholesale or retail, for human consumption, the flesh of a domestic  
41 dog or cat or any product made in whole or in part from the flesh of  
42 a domestic dog or cat;
- 43 z. Surgically debark or silence a dog in violation of section 1  
44 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 45 aa. Use a live pigeon, fowl or other bird for the purpose of a  
46 target, or to be shot at either for amusement or as a test of skill in  
47 marksmanship, except that this subsection and subsections bb. and  
48 cc. shall not apply to the shooting of game;

1 bb. Shoot at a bird used as described in subsection aa. of this  
2 section, or is a party to such shooting; or

3 cc. Lease a building, room, field or premises, or knowingly  
4 permit the use thereof for the purposes of subsection aa. or bb. of  
5 this section --

6 Shall forfeit and pay a sum according to the following schedule,  
7 to be sued for and recovered, with costs, in a civil action by any  
8 person in the name of the New Jersey Society for the Prevention of  
9 Cruelty to Animals or a county society for the prevention of cruelty  
10 to animals, as appropriate, or, in the name of the municipality if  
11 brought by a certified animal control officer or animal cruelty  
12 investigator:

13 For a violation of subsection e., f., g., u., v., w., or z. of this  
14 section or of paragraph (3) of subsection a. of this section, or for a  
15 second or subsequent violation of paragraph (2) of subsection a. of  
16 this section, a sum of not less than \$3,000 nor more than \$5,000;

17 For a violation of subsection l. of this section **【or】** for a first  
18 violation of paragraph (2) of subsection a. of this section, or for a  
19 violation of paragraph (4) of subsection a. of this section, a sum of  
20 not less than \$1,000 nor more than \$3,000;

21 For a violation of subsection c. of this section, a sum of not less  
22 than \$500 nor more than \$2,000;

23 For a violation of subsection x. or y. of this section, a sum of not  
24 less than \$500 nor more than \$1,000 for each domestic dog or cat  
25 fur or fur or hair product or domestic dog or cat carcass or meat  
26 product;

27 For a violation of subsection t. of this section, a sum of not less  
28 than \$500 nor more than \$1,000, but if the violation occurs on or  
29 near a highway, a mandatory sum of \$1,000;

30 For a violation of subsection **【c.,】** d., h., j., k., aa., bb., or cc. of  
31 this section or of paragraph (1) of subsection a. of this section, a  
32 sum of not less than \$250 nor more than \$1,000; and

33 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
34 section, a sum of not less than \$250 nor more than \$500.

35 (cf: P.L.2005, c.372, s.16)**】<sup>2</sup>**

36

37 **<sup>3</sup>【<sup>2</sup>3.】<sup>4</sup>【<sup>4</sup> R.S.4:22-26 is amended to read as follows:**

38 4:22-26. A person who shall:

39 a. (1) Overdrive, overload, drive when overloaded, or  
40 overwork **【**, deprive of necessary sustenance, abuse, or needlessly  
41 **kill】** a living animal or creature, or cause or procure, by any direct  
42 or indirect means, including but not limited to through the use of  
43 another living animal or creature, any such acts to be done;

44 (2) Torment, torture, maim, hang, poison, unnecessarily or  
45 cruelly beat, **【or】** needlessly mutilate ,deprive of necessary care, or  
46 abuse a living animal or creature, or cause or procure, by any direct



- 1 or indirect means, including but not limited to through the use of  
2 another living animal or creature, any such acts to be done;
- 3 (3) Cruelly kill, or cause or procure, by any direct or indirect  
4 means, including but not limited to through the use of another living  
5 animal or creature, the cruel killing of, a living animal or creature,  
6 or otherwise cause or procure, by any direct or indirect means,  
7 including but not limited to through the use of another living animal  
8 or creature, the death of a living animal or creature from  
9 commission of any act described in paragraph (2) of this subsection;
- 10 (4) Needlessly kill a living animal or creature;
- 11 b. (Deleted by amendment, P.L.2003, c.232).
- 12 c. Inflict unnecessary cruelty upon a living animal or creature,  
13 by any direct or indirect means, including but not limited to through  
14 the use of another living animal or creature; or **un**ecessarily fail  
15 to provide a living animal or creature of which the person has  
16 charge either as an owner or otherwise with proper food, drink,  
17 shelter or protection from the weather; or **l** leave it unattended in a  
18 vehicle under inhumane conditions adverse to the health or welfare  
19 of the living animal or creature;
- 20 d. Receive or offer for sale a horse that is suffering from abuse  
21 or neglect, or which by reason of disability, disease, abuse or  
22 lameness, or any other cause, could not be worked, ridden or  
23 otherwise used for show, exhibition or recreational purposes, or  
24 kept as a domestic pet without violating the provisions of this  
25 article;
- 26 e. Keep, use, be connected with or interested in the  
27 management of, or receive money or other consideration for the  
28 admission of a person to, a place kept or used for the purpose of  
29 fighting or baiting a living animal or creature;
- 30 f. Be present and witness, pay admission to, encourage, aid or  
31 assist in an activity enumerated in subsection e. of this section;
- 32 g. Permit or suffer a place owned or controlled by him to be  
33 used as provided in subsection e. of this section;
- 34 h. Carry, or cause to be carried, a living animal or creature in  
35 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 36 i. Use a dog or dogs for the purpose of drawing or helping to  
37 draw a vehicle for business purposes;
- 38 j. Impound or confine or cause to be impounded or confined in  
39 a pound or other place a living animal or creature, and shall fail to  
40 supply it during such confinement with a sufficient quantity of good  
41 and wholesome food and water;
- 42 k. Abandon a maimed, sick, infirm or disabled animal or  
43 creature to die in a public place;
- 44 l. Willfully sell, or offer to sell, use, expose, or cause or permit  
45 to be sold or offered for sale, used or exposed, a horse or other  
46 animal having the disease known as glanders or farcy, or other  
47 contagious or infectious disease dangerous to the health or life of  
48 human beings or animals, or who shall, when any such disease is

- 1 beyond recovery, refuse, upon demand, to deprive the animal of  
2 life;
- 3 m. Own, operate, manage or conduct a roadside stand or market  
4 for the sale of merchandise along a public street or highway; or a  
5 shopping mall, or a part of the premises thereof; and keep a living  
6 animal or creature confined, or allowed to roam in an area whether  
7 or not the area is enclosed, on these premises as an exhibit; except  
8 that this subsection shall not be applicable to: a pet shop licensed  
9 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
10 keeps an animal, in a humane manner, for the purpose of the  
11 protection of the premises; or a recognized breeders' association, a  
12 4-H club, an educational agricultural program, an equestrian team, a  
13 humane society or other similar charitable or nonprofit organization  
14 conducting an exhibition, show or performance;
- 15 n. Keep or exhibit a wild animal at a roadside stand or market  
16 located along a public street or highway of this State; a gasoline  
17 station; or a shopping mall, or a part of the premises thereof;
- 18 o. Sell, offer for sale, barter or give away or display live baby  
19 chicks, ducklings or other fowl or rabbits, turtles or chameleons  
20 which have been dyed or artificially colored or otherwise treated so  
21 as to impart to them an artificial color;
- 22 p. Use any animal, reptile, or fowl for the purpose of soliciting  
23 any alms, collections, contributions, subscriptions, donations, or  
24 payment of money except in connection with exhibitions, shows or  
25 performances conducted in a bona fide manner by recognized  
26 breeders' associations, 4-H clubs or other similar bona fide  
27 organizations;
- 28 q. Sell or offer for sale, barter, or give away living rabbits,  
29 turtles, baby chicks, ducklings or other fowl under two months of  
30 age, for use as household or domestic pets;
- 31 r. Sell, offer for sale, barter or give away living baby chicks,  
32 ducklings or other fowl, or rabbits, turtles or chameleons under two  
33 months of age for any purpose not prohibited by subsection q. of  
34 this section and who shall fail to provide proper facilities for the  
35 care of such animals;
- 36 s. Artificially mark sheep or cattle, or cause them to be  
37 marked, by cropping or cutting off both ears, cropping or cutting  
38 either ear more than one inch from the tip end thereof, or half  
39 cropping or cutting both ears or either ear more than one inch from  
40 the tip end thereof, or who shall have or keep in the person's  
41 possession sheep or cattle, which the person claims to own, marked  
42 contrary to this subsection unless they were bought in market or of  
43 a stranger;
- 44 t. Abandon a domesticated animal;
- 45 u. For amusement or gain, cause, allow, or permit the fighting  
46 or baiting of a living animal or creature;

- 1       v. Own, possess, keep, train, promote, purchase, or knowingly  
2 sell a living animal or creature for the purpose of fighting or baiting  
3 that animal or creature;
- 4       w. Gamble on the outcome of a fight involving a living animal  
5 or creature;
- 6       x. Knowingly sell or barter or offer for sale or barter, at  
7 wholesale or retail, the fur or hair of a domestic dog or cat or any  
8 product made in whole or in part from the fur or hair of a domestic  
9 dog or cat, unless such fur or hair for sale or barter is from a  
10 commercial grooming establishment or a veterinary office or clinic  
11 or is for use for scientific research;
- 12       y. (1) Knowingly sell or barter, or offer for sale or barter, at  
13 wholesale or retail, for human consumption, the flesh of a domestic  
14 dog or cat, or any product made in whole or in part from the flesh of  
15 a domestic dog or cat;
- 16       (2) Knowingly slaughter a horse for human consumption;
- 17       (3) Knowingly sell or barter, or offer for sale or barter, at  
18 wholesale or retail, for human consumption, the flesh of a horse, or  
19 any product made in whole or in part from the flesh of a horse, or  
20 knowingly accept or publish newspaper advertising that includes the  
21 offering for sale, trade, or distribution of any such item for human  
22 consumption;
- 23       (4) Knowingly transport a horse for the purpose of slaughter for  
24 human consumption;
- 25       (5) Knowingly transport horsemeat, or any product made in  
26 whole or in part from the flesh of a horse, for the purpose of human  
27 consumption;
- 28       z. Surgically debark or silence a dog in violation of section 1  
29 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 30       aa. Use a live pigeon, fowl or other bird for the purpose of a  
31 target, or to be shot at either for amusement or as a test of skill in  
32 marksmanship, except that this subsection and subsections bb. and  
33 cc. shall not apply to the shooting of game;
- 34       bb. Shoot at a bird used as described in subsection aa. of this  
35 section, or is a party to such shooting; or
- 36       cc. Lease a building, room, field or premises, or knowingly  
37 permit the use thereof for the purposes of subsection aa. or bb. of  
38 this section --
- 39       Shall forfeit and pay a sum according to the following schedule,  
40 to be sued for and recovered, with costs, in a civil action by any  
41 person in the name of the New Jersey Society for the Prevention of  
42 Cruelty to Animals or a county society for the prevention of cruelty  
43 to animals, as appropriate, or, in the name of the municipality if  
44 brought by a certified animal control officer or animal cruelty  
45 investigator:
- 46       For a violation of subsection e., f., g., u., v., w., or z. of this  
47 section or of paragraph (3) of subsection a. of this section, or for a

1 second or subsequent violation of paragraph (2) of subsection a. of  
2 this section, a sum of not less than \$3,000 nor more than \$5,000;

3 For a violation of subsection l. of this section **【or】**, for a first  
4 violation of paragraph (2) of subsection a. of this section, or for a  
5 violation of paragraph (4) of subsection a. of this section, a sum of  
6 not less than \$1,000 nor more than \$3,000;

7 For a violation of subsection c. of this section, a sum of not less  
8 than \$500 nor more than \$2,000;

9 For a violation of subsection x. or paragraph (1) of subsection y.  
10 of this section, a sum of not less than \$500 nor more than \$1,000 for  
11 each domestic dog or cat fur or fur or hair product or domestic dog  
12 or cat carcass or meat product sold, bartered, or offered for sale or  
13 barter;

14 For a violation of paragraph (2), (3), (4), or (5) of subsection y.  
15 of this section, a sum of not less than \$500 nor more than \$1,000 for  
16 each horse slaughtered or transported for the purpose of slaughter  
17 for human consumption, or for each horse carcass or meat product  
18 transported, sold or bartered, or offered or advertised for sale or  
19 barter;

20 For a violation of subsection t. of this section, a sum of not less  
21 than \$500 nor more than \$1,000, but if the violation occurs on or  
22 near a highway, a mandatory sum of \$1,000;

23 For a violation of subsection **【c.,】** d., h., j., k., aa., bb., or cc. of  
24 this section or of paragraph (1) of subsection a. of this section, a  
25 sum of not less than \$250 nor more than \$1,000; and

26 For a violation of subsection i., m., n., o., p., q., r., or s. of this  
27 section, a sum of not less than \$250 nor more than \$500.<sup>2</sup>

28 (cf: P.L.2012, c.52, s.2, Advance Law 9/19/2012)**】**<sup>4</sup>

29

30 <sup>4</sup>2. R.S.4:22-17 is amended to read as follows:

31 4:22-17. a. **【A person who shall】** It shall be unlawful to:

32 (1) Overdrive, overload, drive when overloaded, overwork **【,**  
33 **deprive of necessary sustenance】**, abuse, or needlessly kill a living  
34 animal or creature;

35 (2) Cause or procure, by any direct or indirect means, including  
36 but not limited to through the use of another living animal or  
37 creature, any **【such】** of the acts described in paragraph (1) of this  
38 subsection to be done; **【or】**

39 (3) Inflict unnecessary cruelty upon a living animal or creature,  
40 by any direct or indirect means, including but not limited to through  
41 the use of another living animal or creature; or **【unnecessarily fail**  
42 **to provide a living animal or creature of which the person has**  
43 **charge either as an owner or otherwise with proper food, drink,**  
44 **shelter or protection from the weather; or】** leave **【it】** the living  
45 animal or creature unattended in a vehicle under inhumane  
46 conditions adverse to the health or welfare of the living animal or  
47 creature **【--**

1        Shall **】** ; or

2        (4) Fail, as the owner or as a person otherwise charged with the  
3 care of a living animal or creature, to provide the living animal or  
4 creature with necessary care.

5        b. (1) A person who violates subsection a. of this section shall be  
6 guilty of a disorderly persons offense **】**, and notwithstanding **】** .  
7 Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for  
8 every **【such】** conviction of an offense pursuant to paragraph (1) or  
9 (2) of subsection a. of this section, the person shall be fined not less  
10 than \$250 nor more than \$1,000, or be imprisoned for a term of not  
11 more than six months, or both, in the discretion of the court; and for  
12 every conviction of an offense pursuant to paragraph (3) or (4) of  
13 subsection a. of this section, the person shall be fined not less than  
14 \$500 nor more than \$2,000, or be imprisoned for a term of not more  
15 than six months, or both, in the discretion of the court.

16        (2) If the person who violates subsection a. of this section has a  
17 prior conviction for an offense that would constitute a violation of  
18 subsection a. of this section, the person shall be guilty of a crime of  
19 the fourth degree.

20        (3) A **【violator of this subsection】** person who violates  
21 subsection a. of this section shall also be subject to the provisions  
22 of **【subsection c.】** subsections e. and f. and, if appropriate,  
23 subsection **【d.】** g., of this section.

24        **【b. A person who shall **】**** c. It shall be unlawful to purposely,  
25 knowingly, or recklessly:

26        (1) Torment, torture, maim, hang, poison, unnecessarily or  
27 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or  
28 creature; **【or】**

29        (2) Cause bodily injury to a living animal or creature by failing  
30 to provide the living animal or creature with necessary care,  
31 whether as the owner or as a person otherwise charged with the care  
32 of the living animal or creature; or

33        (3) Cause or procure an act described in paragraph (1) or (2) of  
34 this subsection to be done, by any direct or indirect means,  
35 including but not limited to through the use of another living animal  
36 or creature **【**, any such acts to be done --

37        Shall **】** .

38        d. (1) A person who violates paragraph (1), (2), or (3) of  
39 subsection c. of this section shall be guilty of a crime of the fourth  
40 degree **【**.

41        If **】** , except that the person shall be guilty of a crime of the third  
42 degree if:

43        (a) the animal or creature **【is cruelly killed or】** dies as a result of  
44 **【a】** the violation **【of this subsection, or】** ;

45        (b) the animal or creature suffers serious bodily injury as a result  
46 of the violation; or

1 (c) the person has a prior conviction for an offense that would  
2 constitute a violation of **【this】** paragraph (1), (2), or (3) of  
3 subsection **【**, the person shall be guilty of a crime of the third  
4 degree】 c. of this section.

5 (2) A **【violator of this】** person who violates any provision of  
6 subsection c. of this section shall also be subject to the provisions of  
7 **【subsection c.】** subsections e. and f. and, if appropriate, subsection  
8 **【d.】** g., of this section.

9 **【c.】** e. For a violation of **【subsection a. or b. of】** this section, in  
10 addition to imposing any other appropriate penalties established for  
11 a crime of the third degree, crime of the fourth degree, or disorderly  
12 persons offense, as the case may be, pursuant to Title 2C of the  
13 New Jersey Statutes, the court shall impose a term of community  
14 service of up to 30 days, and may direct that the term of community  
15 service be served in providing assistance to the New Jersey Society  
16 for the Prevention of Cruelty to Animals, a **【district (county)】**  
17 county society for the prevention of cruelty to animals, or any other  
18 recognized organization concerned with the prevention of cruelty to  
19 animals or the humane treatment and care of animals, or to a  
20 municipality's animal control or animal population control program.

21 f. The court also **【may】** shall require **【the】** any violator of this  
22 section to pay restitution, including but not limited to, the monetary  
23 cost of replacing the animal if the animal died or had to be  
24 euthanized because of the extent of the animal's injuries, or  
25 otherwise reimburse any costs for food, drink, shelter, or veterinary  
26 care or treatment, or other costs, incurred by the owner of the  
27 animal, if the owner is not the person committing the act of cruelty,  
28 or incurred by any agency, entity, or organization investigating the  
29 violation, including but not limited to the New Jersey Society for  
30 the Prevention of Cruelty to Animals, a **【district (county)】** county  
31 society for the prevention of cruelty to animals, any other  
32 recognized organization concerned with the prevention of cruelty to  
33 animals or the humane treatment and care of animals, **【or】** a local  
34 or State governmental entity, or a kennel, shelter, pound, or other  
35 facility providing for the shelter and care of the animal or animals  
36 involved in the violation.

37 **【d.】** g. If a juvenile is adjudicated delinquent for an act which,  
38 if committed by an adult, would constitute a disorderly persons  
39 offense **【pursuant to subsection a. of this section or a crime of the**  
40 **third degree or】** , crime of the fourth degree , or crime of the third  
41 degree pursuant to **【subsection b. of】** this section, the court also  
42 shall order the juvenile to receive mental health counseling by a  
43 licensed psychologist or therapist named by the court for a period of  
44 time to be prescribed by the licensed psychologist or therapist.<sup>4</sup>

45 (cf: P.L.2005, c.105, s.1)

- 1       <sup>4</sup>3. R.S.4:22-26 is amended to read as follows:  
2       4:22-26. A person who shall:
- 3       a. (1) Overdrive, overload, drive when overloaded, overwork **【**,  
4       deprive of necessary sustenance,**】** abuse, or needlessly kill a living  
5       animal or creature, or cause or procure, by any direct or indirect  
6       means, including but not limited to through the use of another living  
7       animal or creature, any such acts to be done;
- 8       (2) Torment, torture, maim, hang, poison, unnecessarily or  
9       cruelly beat, **【or】** cruelly abuse, or needlessly mutilate a living  
10      animal or creature, or cause or procure, by any direct or indirect  
11      means, including but not limited to through the use of another living  
12      animal or creature, any such acts to be done;
- 13      (3) **【Cruelly kill, or cause or procure,】** Cause the death of, or  
14      serious bodily injury to, a living animal or creature from  
15      commission of any act described in paragraph (2), (4), (5), or (6) of  
16      this subsection,  
17      by any direct or indirect means, including but not limited to through  
18      the use of another living animal or creature, **【the cruel killing of, a**  
19      living animal or creature,**】** or otherwise cause or procure **【**, by any  
20      direct or indirect means, including but not limited to through the use  
21      of another living animal or creature, the death of a living animal or  
22      creature from commission of any act described in paragraph (2) of  
23      this subsection**】** any such acts to be done;
- 24      (4) Fail, as the owner or a person otherwise charged with the  
25      care of a living animal or creature, to provide the living animal or  
26      creature with necessary care, or otherwise cause or procure such an  
27      act to be done; or
- 28      (5) Cause bodily injury to a living animal or creature from  
29      commission of the act described in paragraph (4) of this subsection;
- 30      b. (Deleted by amendment, P.L.2003, c.232)**【.】**
- 31      c. Inflict unnecessary cruelty upon a living animal or creature,  
32      by any direct or indirect means, including but not limited to through  
33      the use of another living animal or creature; or **【unnecessarily fail**  
34      to provide a living animal or creature of which the person has  
35      charge either as an owner or otherwise with proper food, drink,  
36      shelter or protection from the weather; or**】** leave **【it】** the living  
37      animal or creature unattended in a vehicle under inhumane  
38      conditions adverse to the health or welfare of the living animal or  
39      creature;
- 40      d. Receive or offer for sale a horse that is suffering from abuse  
41      or neglect, or which by reason of disability, disease, abuse or  
42      lameness, or any other cause, could not be worked, ridden or  
43      otherwise used for show, exhibition or recreational purposes, or  
44      kept as a domestic pet without violating the provisions of this  
45      article;
- 46      e. Keep, use, be connected with or interested in the  
47      management of, or receive money or other consideration for the

- 1 admission of a person to, a place kept or used for the purpose of  
2 fighting or baiting a living animal or creature;
- 3 f. Be present and witness, pay admission to, encourage, aid or  
4 assist in an activity enumerated in subsection e. of this section;
- 5 g. Permit or suffer a place owned or controlled by him to be  
6 used as provided in subsection e. of this section;
- 7 h. Carry, or cause to be carried, a living animal or creature in  
8 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 9 i. Use a dog or dogs for the purpose of drawing or helping to  
10 draw a vehicle for business purposes;
- 11 j. Impound or confine or cause to be impounded or confined in  
12 a pound or other place a living animal or creature, and shall fail to  
13 supply **[it]** the living animal or creature during such confinement  
14 with a sufficient quantity of good and wholesome food and water;
- 15 k. Abandon a maimed, sick, infirm or disabled animal or  
16 creature to die in a public place;
- 17 l. Willfully sell, or offer to sell, use, expose, or cause or permit  
18 to be sold or offered for sale, used or exposed, a horse or other  
19 animal having the disease known as glanders or farcy, or other  
20 contagious or infectious disease dangerous to the health or life of  
21 human beings or animals, or who shall, when any such disease is  
22 beyond recovery, refuse, upon demand, to deprive the animal of  
23 life;
- 24 m. Own, operate, manage or conduct a roadside stand or market  
25 for the sale of merchandise along a public street or highway; or a  
26 shopping mall, or a part of the premises thereof; and keep a living  
27 animal or creature confined, or allowed to roam in an area whether  
28 or not the area is enclosed, on these premises as an exhibit; except  
29 that this subsection shall not be applicable to: a pet shop licensed  
30 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who  
31 keeps an animal, in a humane manner, for the purpose of the  
32 protection of the premises; or a recognized breeders' association, a  
33 4-H club, an educational agricultural program, an equestrian team, a  
34 humane society or other similar charitable or nonprofit organization  
35 conducting an exhibition, show or performance;
- 36 n. Keep or exhibit a wild animal at a roadside stand or market  
37 located along a public street or highway of this State; a gasoline  
38 station; or a shopping mall, or a part of the premises thereof;
- 39 o. Sell, offer for sale, barter or give away or display live baby  
40 chicks, ducklings or other fowl or rabbits, turtles or chameleons  
41 which have been dyed or artificially colored or otherwise treated so  
42 as to impart to them an artificial color;
- 43 p. Use any animal, reptile, or fowl for the purpose of soliciting  
44 any alms, collections, contributions, subscriptions, donations, or  
45 payment of money except in connection with exhibitions, shows or  
46 performances conducted in a bona fide manner by recognized  
47 breeders' associations, 4-H clubs or other similar bona fide  
48 organizations;



- 1       q. Sell or offer for sale, barter, or give away living rabbits,  
2 turtles, baby chicks, ducklings or other fowl under two months of  
3 age, for use as household or domestic pets;
- 4       r. Sell, offer for sale, barter or give away living baby chicks,  
5 ducklings or other fowl, or rabbits, turtles or chameleons under two  
6 months of age for any purpose not prohibited by subsection q. of  
7 this section and who shall fail to provide proper facilities for the  
8 care of such animals;
- 9       s. Artificially mark sheep or cattle, or cause them to be  
10 marked, by cropping or cutting off both ears, cropping or cutting  
11 either ear more than one inch from the tip end thereof, or half  
12 cropping or cutting both ears or either ear more than one inch from  
13 the tip end thereof, or who shall have or keep in the person's  
14 possession sheep or cattle, which the person claims to own, marked  
15 contrary to this subsection unless they were bought in market or of  
16 a stranger;
- 17       t. Abandon a domesticated animal;
- 18       u. For amusement or gain, cause, allow, or permit the fighting  
19 or baiting of a living animal or creature;
- 20       v. Own, possess, keep, train, promote, purchase, or knowingly  
21 sell a living animal or creature for the purpose of fighting or baiting  
22 that animal or creature;
- 23       w. Gamble on the outcome of a fight involving a living animal  
24 or creature;
- 25       x. Knowingly sell or barter or offer for sale or barter, at  
26 wholesale or retail, the fur or hair of a domestic dog or cat or any  
27 product made in whole or in part from the fur or hair of a domestic  
28 dog or cat, unless such fur or hair for sale or barter is from a  
29 commercial grooming establishment or a veterinary office or clinic  
30 or is for use for scientific research;
- 31       y. (1) Knowingly sell or barter, or offer for sale or barter, at  
32 wholesale or retail, for human consumption, the flesh of a domestic  
33 dog or cat, or any product made in whole or in part from the flesh of  
34 a domestic dog or cat;
- 35       (2) Knowingly slaughter a horse for human consumption;
- 36       (3) Knowingly sell or barter, or offer for sale or barter, at  
37 wholesale or retail, for human consumption, the flesh of a horse, or  
38 any product made in whole or in part from the flesh of a horse, or  
39 knowingly accept or publish newspaper advertising that includes the  
40 offering for sale, trade, or distribution of any such item for human  
41 consumption;
- 42       (4) Knowingly transport a horse for the purpose of slaughter for  
43 human consumption;
- 44       (5) Knowingly transport horsemeat, or any product made in  
45 whole or in part from the flesh of a horse, for the purpose of human  
46 consumption;
- 47       z. Surgically debark or silence a dog in violation of section 1  
48 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

1       aa. Use a live pigeon, fowl or other bird for the purpose of a  
2 target, or to be shot at either for amusement or as a test of skill in  
3 marksmanship, except that this subsection and subsections bb. and  
4 cc. shall not apply to the shooting of game;

5       bb. Shoot at a bird used as described in subsection aa. of this  
6 section, or is a party to such shooting; or

7       cc. Lease a building, room, field or premises, or knowingly  
8 permit the use thereof for the purposes of subsection aa. or bb. of  
9 this section --

10       Shall forfeit and pay a sum according to the following schedule,  
11 to be sued for and recovered, with costs, in a civil action by any  
12 person in the name of the New Jersey Society for the Prevention of  
13 Cruelty to Animals or a county society for the prevention of cruelty  
14 to animals, as appropriate, or, in the name of the municipality if  
15 brought by a certified animal control officer or animal cruelty  
16 investigator:

17       For a violation of subsection e., f., g., u., v., w., or z. of this  
18 section or of paragraph (3) of subsection a. of this section, or for a  
19 second or subsequent violation of paragraph (2) or (5) of subsection  
20 a. of this section, a sum of not less than \$3,000 nor more than  
21 \$5,000;

22       For a violation of subsection l. of this section **【or】**, for a first  
23 violation of paragraph (2) or (5) of subsection a. of this section, a  
24 sum of not less than \$1,000 nor more than \$3,000;

25       For a violation of paragraph (4) of subsection a. of this section,  
26 or subsection c. of this section, a sum of not less than \$500 nor  
27 more than \$2,000;

28       For a violation of subsection x. or paragraph (1) of subsection y.  
29 of this section, a sum of not less than \$500 nor more than \$1,000 for  
30 each domestic dog or cat fur or fur or hair product or domestic dog  
31 or cat carcass or meat product sold, bartered, or offered for sale or  
32 barter;

33       For a violation of paragraph (2), (3), (4), or (5) of subsection y.  
34 of this section, a sum of not less than \$500 nor more than \$1,000 for  
35 each horse slaughtered or transported for the purpose of slaughter  
36 for human consumption, or for each horse carcass or meat product  
37 transported, sold or bartered, or offered or advertised for sale or  
38 barter;

39       For a violation of subsection t. of this section, a sum of not less  
40 than \$500 nor more than \$1,000, but if the violation occurs on or  
41 near a highway, a mandatory sum of \$1,000;

42       For a violation of subsection **【c.,】** d., h., j., k., aa., bb., or cc. of  
43 this section or of paragraph (1) of subsection a. of this section, a  
44 sum of not less than \$250 nor more than \$1,000; and

45       For a violation of subsection i., m., n., o., p., q., r., or s. of this  
46 section, a sum of not less than \$250 nor more than \$500.<sup>4</sup>

47 (cf: P.L.2012, c.52, s.2)

1       <sup>2</sup>**[3.]** <sup>3</sup>**[4.<sup>2</sup>]** <sup>4</sup>**[5.<sup>3</sup>]** 4.<sup>4</sup> This act shall take effect immediately.